

42390P9770

PATENT

REMARKS

Claims 9 and 31 are pending in the application. Claim 9 is independent and has been amended.

Claims 9 and 31 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,522,075 ("Robinson").

To anticipate a claim under 35 U.S.C. §102(b), a reference must teach every element of the claim (MPEP 2131). Claim 9, as amended, includes "allowing the guest software to attempt the operation in response to determining that the attempt would fail" (labeled "part d" by the examiner). Robinson does not describe this limitation.

The examiner argues that Robinson describes part d in column 12, lines 20-60. These lines describe classifying certain instructions as "sensitive" and reads in part as follows: "Thus, if a VM attempts to execute such an instruction, it traps to the VMM." Even assuming (for the sake of argument) that Robinson's description of a VM attempting to execute a sensitive instruction corresponds to claim 9's attempt of guest software to perform an operation restricted by said processor mode, Robinson does not describe part d. Robinson describes trapping to the VMM. In contrast, claim 9 requires allowing the guest software to attempt the operation.

Therefore, Robinson does not disclose at least one limitation of claim 9, and cannot not anticipate claim 9 or claim 31, which depends on claim 9. The withdrawal of the rejections of claims 9 and 31 is respectfully requested. Claims 9 and 31 may also include other limitations that Robinson does not disclose.

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CONCLUSION

Based on the foregoing, it is respectfully submitted that the rejections of claims 9 and 31 have been overcome, and that claims 9 and 31 are in condition for allowance. The issuance of a Notice of Allowance is therefore requested. Please charge any necessary fees to our Deposit Account No. 50-0221.

Respectfully submitted,

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